

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MICHELLE L. SUDDUTH)
)
Plaintiff,)
)
vs.) No. 03-0163-CV-W-FJG
)
MISSOURI DEPARTMENT OF SOCIAL)
SERVICES, et al.,)
)
Defendants.)

ORDER

Currently pending before the Court are the parties' objections to the deposition designations.

The Court hereby rules as follows:

Defendants' Objections to Plaintiff's Designations

SUE BRANSTETTER

		<u>Ruling</u>
P. 5, l. 15	Object: FRE 403; incomplete as to the question asked	Overruled
P. 6, l. 15	Object: FRE 403; incomplete as to the answer provided	Overruled
P. 6, l. 16 to p. 7, l. 10	Object: FRE 402, 403	Overruled
P. 7, l. 18 to p. 8, l. 1	Object: FRE 402, 403	Overruled
P. 8, 8, l. 15 to p. 9, l. 19	Object: FRE 402, 403, speculation	Sustained
P. 9, l. 23 to p. 10, l. 7	Object: FRE 402, 403	Overruled
P. 10, ll. 15-25	Object: FRE 402, 403, speculation, hearsay	Overruled
P. 11, l. 19 to p. 13, l. 2	Object: FRE 402, 403	Overruled
P. 13, l. 10 to p. 14, l. 5	Object: FRE 402, 403	Overruled
P. 14, ll. 12-24	Object: FRE 402, 403	Overruled
P. 16, ll. 12-24	Object: FRE 402, 403	Overruled
P. 17, l. 25 to p. 19, l. 6	Object: FRE 402, 403, hearsay	Sustained
P. 21, l. 8 to p. 22, l. 17	Object: FRE 402, 403	Sustained
P. 22, ll. 16-22	Object: FRE 402, 403, vague	Sustained
P. 24, ll. 16-22	Object: FRE 402, 403	Overruled
P. 25, l. 17 to p. 26, l. 3	Object: FRE 402, 403, lack of foundation	Sustained

MELINDA HUDGENS

		<u>Ruling</u>
P. 8, l. 5 to p. 9, l. 14	Object: FRE 402, 403	Sustained
P. 13, l. 20 to p. 15, l. 15	Object: FRE 402, 403	Sustained
P. 21, ll. 12-22	Object: FRE 402, 403, citation incomplete as to question asked and answer provided	Sustained
P. 22, l. 3 to p. 35, l. 16	Object: FRE 402, 403	Sustained
P. 36, l. 7 to p. 37, l. 4	Object: FRE 402, 403, citation incomplete as to question asked and answer provided	Sustained
P. 42, l. 12 to p. 47, l. 9	Object: FRE 402, 403, speculation, inadmissible opinion	Sustained
P. 47, l. 11 to p. 87, l. 3	Object: FRE 402, 403, inadmissible opinion, hearsay, speculation	Sustained

ARLENE BRUCE

		<u>Ruling</u>
P. 6, l. 3 to p. 9, l. 23	Object: FRE 402, 403	Sustained
P. 21, l. 15	Object: FRE 402, 403, citation incomplete as to question asked or answered provided	Overruled
P. 32, l. 23, to p. 36, l. 3	Object: FRE 402, 403	Overruled
P. 37, l. 13 to p. 38, l. 8	Object: FRE 402, 403	Overruled

Dr. RITA RODGERS-STANLEY

		<u>Ruling</u>
P. 19, l. 7	Object: FRE 402, 403, citation incomplete as to question asked	Sustained
P. 25, l. 5 to p. 27, l. 5	Object: Non-testimonial as to p. 25, l. 24 to p. 26, l. 1	Sustained
P. 27, l. 22 to p. 28, l. 9	Object: FRE 402, 403	Overruled
P. 31, l. 20 to p. 33, l. 1	Object: Speculation	Overruled
P. 35, l. 4 to p. 36, l. 5	Object: FRE 402, 403, lack of foundation, citation incomplete as to question asked or answer provided	Overruled
P. 27, l. 25 to p. 42, l. 14	Object: Objections noted in overlapping citations are incorporated herein by reference.	Overruled

NORMA WIEBERG

		<u>Ruling</u>
P. 6, l. 23 to p. 12, l. 1	Object: FRE 402	Overruled
P. 12, l. 22 to p. 13, l. 17	Object: FRE 402, 403	Overruled
P. 15, l. 16 to p. 16, l. 11	Object: FRE 403, vague	Overruled
P. 26, l. 16 to p. 27, l. 1	Object: FRE 402, 403, speculation, vague	Overruled
P. 32, ll. 9-18	Object: FRE 402, 403, inadmissible opinion	Sustained
P. 44, l. 3 to p. 47, l. 1	Object: FRE 402, 403, speculation	Overruled
P. 49, l. 16 to p. 50, l. 5	Object: FRE 402, 403	Overruled
P. 54, ll. 2-8	Object: FRE 402, 403	Overruled
P. 55, ll. 5-16	Object: FRE 402, 403	Overruled
P. 85, ll. 6-22	Object: FRE 402, 403, incomplete as to question asked and answer provided	Overruled

PLAINTIFF'S OBJECTIONS TO DEFENDANT'S DESIGNATONS

SUE BRANSTETTER

		<u>Ruling</u>
p. 17, l. 25 to p. 17, l. 11	Objection, Plaintiff is unable to respond to the cited testimony because the designation is misstated and unclear. For completeness, Plaintiff designates p. 16, l. 25 to p. 17, l. 11.	Sustained
p. 25, ll. 12-17	Objection, the citation is incomplete as to the question asked. The citation should end on line 16.	Sustained

MELINDA HUGENS

		<u>Ruling</u>
p. 15, ll. 19-24	Objection, irrelevant and immaterial.	Overruled
p. 35, l. 9 to p. 36, l. 6	Objection, non-responsive, argumentative, vague and ambiguous	Sustained
p. 37, ll. 5-8	Objection, irrelevant and immaterial, incomplete.	Sustained

ARLENE BRUCE

Ruling

p. 21, l. 20 to p. 22, l. 23	Objection, irrelevant and immaterial, assumes facts not in evidence.	Overruled
p. 23, ll. 13-22	Objection, irrelevant and immaterial, confusing.	Overruled
p. 28, ll. 4-12	Objection, incomplete, confusing, lacks foundation, irrelevant and immaterial.	Sustained
p. 30, ll. 1-4, ll. 12-19	Objection, irrelevant and immaterial, incomplete.	Sustained
p. 41, l. 11 to p. 42, l. 3	Objection, calls for speculation, improper hypothetical, irrelevant and immaterial.	Overruled
p. 42, l. 7 to p. 44, l. 3	Objection, lacks foundation, improper opinion, calls for a legal conclusion, improper form, irrelevant and immaterial.	Overruled

Dr. RITA RODGERS-STANLEY

Ruling

p. 12, l. 3 to p. 13, l. 8	Objection, incomplete. Read in part, misstates subsequent designated testimony	Overruled
p. 15, l. 18 to p. 17, l. 5	Objection, improper form, leading, incomplete, misstates subsequent designated testimony.	Overruled
p. 23, ll. 2-18	Objection, calls for speculation, lacks foundation, irrelevant and immaterial, vague and ambiguous as to "hope."	Sustained
p. 24, ll. 21-24; p. 25, ll. 2-3	Objection, vague and ambiguous, improper hypothetical, misstates subsequent designated testimony, irrelevant and immaterial.	Sustained

Date: September 30, 2006
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
United States District Judge